

# Supplement to the Saturday Press, April 9th, 1881.

## Examination of Petitioners.

We give subjoined the evidence elicited on the second and third days of the examination of the signers of the petition for the commutation of sentence on Polua.

### SECOND DAY.

The Committee met again as by appointment on Saturday at 10 a. m. at the Chambers of the Chief Justice.

The examinations and inquiries were directed as on the former occasion to obtain all the information possible which might tend to influence the Committee to recommend the condemned man to mercy.

In addition to the evidence taken Mr. A. S. Hallwell offered to submit to the Committee a *resumé* of recent legal authorities bearing on the evidences or presumptions of insanity of persons attempting suicide, which the Committee signified they would be pleased to receive from him.

Father Raymond de la Lande: Read a written statement which he filed with the Committee. Polua told me, that his wife had frequently provoked him to wrath. That he could not bear with her any longer. He told me that he was intoxicated. That he had drunk three glasses of liquor, and was *hikaka*. This was at the time when he went to commit the deed. He said she had promised to have intercourse with no other person. He said that he had a wife living, but was living apart from her. I saw Polua for the first time early in March, in prison. He is a quiet and thoughtful man. He is not like the most of his countrymen, now is penitent. All I have learned of him, is from himself. He is willing to die.

Rev. H. H. Parker: Live in Honolulu. Have seen Polua several times in Oahu Prison. Went as a clergyman. He gave somewhat of the history of his life. That he lived in Honolulu about 10 years, then went to Hamakua, Hawaii—from thence went to Kau where he made the acquaintance of the woman whom he killed; then went to Puna, then returned to Kau, then lived again with her; finally she left him and went to live with another man. Said he killed her because he was enraged with her; he went to the house and met her and the man at the door and killed her; he then tried to take his own life and thought he had succeeded, but a doctor sewed up his wounds; when he found that he would live he was relieved; said that she desecrated his own house; said she jeered and insulted him. He made these statements on my first visit to him some months ago; he did not say he was insane when he committed the crime. I have visited him at least five times—talked with him at length; he showed no signs of insanity; he said he was overcome with passion when he did the deed. "Ua pouti au i ka pouti." He did not say he was under the influence of liquor at the time; he said he was responsible for the crime; he was very serious. The last time I saw him was the day when he was reprieved; the time previous he said he deserved the punishment. I have seen Hawaiians many times do strange things, which to us might seem strange like this, but his soundness of mind was unclouded; said he made preparations for the murder; said he cut his fingers accidentally, think he said he did so while sharpening the knife. He was not married to the woman he killed; she had told him that she had lived with other men; he did not say he had been drinking; he told a very clear story and seemed to have a very clear recollection of the circumstance.

Dr. R. McKibbin, Physician and Surgeon: Saw Polua at Oahu prison day before yesterday at request of Committee, had a long conversation with him, mostly in Hawaiian. Am acquainted with Hawaiian language; made inquiries of the keepers of the prison, Malahini, a Constable, and Mr. Fyfe—they said he was the same now as when he came in. They said he had no headache, no fever, ate well and slept well; I then repeated the questions to him; he confirmed those answers; he said he had been well, just the same answers; he said that he had had some trouble at Waikapu, had been brought up for an assault and was imprisoned for three years; said lately he had lived while at Hamakua, said he was married, that his wife was living with another man at Hamakua. He said he had been living a year and eight months (with the exception of one month) with the woman now deceased; she followed him to Kau; he said that up to a short time before this unfortunate occurrence he and she had lived together on the best of terms; that lately he suspected her fidelity, she lived with a tempter, and she did not take care of him as formerly; one day he saw this man leaving his (Polua's) room through an opening; he went with him and talked very insultingly to him, (Polua) and made him very angry. Shortly after he saw her walking between two men holding their hands and passed him, jeering at and taunting him; this made him very angry; when he went to his work he was brooding over it; when he came home from his work she was not at home, he was at the house of the other man, about a chain off; he became still incensed and went and got a bottle of *okoleha* from which he drank some; said he then had made up his mind to kill her; said he bought a knife because he had none in the house to cut beef with. I told him I had seen a knife similar to the one he used, and it was not such a one as he used for domestic purposes, and was told he sharpened the back of it. What did you do that for? didn't you do it to kill the woman? He said yes. My impression is that he said he bought it before drinking the liquor, and that he had made up his mind to kill the woman before drinking; he said he picked up the club in the carpenter shop; he said he had hung up the woman's dress before the window of his room, and put up some pieces of crape about the room. He said he hung up the dress to prevent them from seeing through the window what he was going to do, then he went to the house where the woman was; and waited a minute or two till she came out with a saucer, the man was with her on the other side of the pan; he then struck at the woman, struck at the back of the neck, she fell on her side; he then tried to cut her throat with the same knife; he did not know why he did not kill himself; said his *pouti*, (darkness) that came into his heart caused him to do this. At present he is in perfectly sound mind; there is no excitement, he is perfectly cool; from the man's account and memory of the facts I should say he was not insane when he committed the deed; but from the taunts and drink he was excited. The draping the room in the manner he described I should not think showed insanity; the cutting of the finger, I think he said was accidental, so his account impressed me, but I do not remember distinctly about that, he told me he bought the knife the day he committed the deed; said he bought it at the store, and sharpened it for the purpose of killing her.

Dr. J. S. McGrew, Physician and Surgeon. Went with Dr. McKibbin to Oahu prison, he interpreted, finally found Polua could talk pretty good English; I have just heard Dr. McKibbin's statement and have no variations to make; have been practicing medicine over 30 years; I think Polua is of perfectly sound mind; was cool and sound in his statements, from the statements which he made of his actions I should judge him to be a man slow to anger, had been cool and collected, and purchased the *okoleha* to nerve himself, he seemed to be very determined and hard to control when angry; he laid down before us to show the position the woman was in when he killed her; said she felt a peculiar feeling come over him, at his heart when they chafed him. "A." If I had not seen the subject of inquiry or if I had not had a careful report or diagnosis of his case made by a skillful person who had seen and examined him and had only street rumors of incidents I should not be able as a medical man to give any valuable opinion touching his sanity or insanity; I visited this man in prison at the request of this Committee through the Chairman.

I do not consider an attempt to commit suicide after committing murder as an indication of insanity, it might be to avoid pain, punishment or disgrace; from what I have heard of the circumstances of this case I do not consider that Polua was insane when he committed the deed.

Dr. R. McKibbin. Makes the same answer "A" as made by Dr. McGrew.

Dr. J. Brodie, Physician and Surgeon. Been practicing four years. At request of the Chairman of Committee I visited Polua in prison yesterday, and from my examination I do not consider him to be of unsound mind. I have no reason to believe him to be out of sane mind; I would not be able to form a valuable opinion of his insanity from street rumor; (same answer "A.") From the narrative given by Dr. McKibbin, supposing it to be true, I would not consider that Polua was insane at the time he committed the act; I would not consider it to be proof of insanity; I have heard the account of his draping his room and sprinkling *okoleha* water about.

Dr. E. Hoffman, Physician and Surgeon. Surgeon and Medical attendant of Oahu Prison for twenty years more or less, and am so now. Have seen Polua there several times, five or six times; I have seen him both in Hawaiian and English, he speaks English enough so that I can understand him; his physical condition is very good; when I first saw him and now, is in very good health; he says so himself, his pulse is good; I have talked with him about the crime; he is very ready to talk about it; he is not insane now. Having had charge for a number of years of the Insane Asylum, I have come to the conclusion, that homicidal mania is very rare in Hawaiians. From my long intercourse with Native Hawaiians, I know also that the naturally kind and amiable disposition is easily reduced to a passion by being ridiculed, as Polua tells me, he was by his companions. Again I think that jealousy excites their anger beyond almost anything else, and in my opinion under these mental influences, combined with having taken *okoleha*, as Polua tells me, he had taken, the murder was committed.

Dr. C. M. Hyde: Am a clergyman, residing in Honolulu; visit Oahu Prison almost every Sunday morning. Have seen Polua twice, talked with him. He talked without reserve. He seems like a very mild pleasant spoken man, of a larger physical frame than Hawaiians usually are. He said that intoxication was the cause of his committing the offense; would not have done it but for that. That was the only explanation he gave me of the cause. I did not ask him about the particulars of the crime, seemed very penitent; said he felt hard at first, but had repented. Had led a bad life. But repented, said he now trusted in Christ, and was in a coherent and proper manner. Seemed perfectly sane; said he drank from habit of intoxication.

Rev. A. O. Forbes: Clergyman, born on these Islands, lived here most of my life. Have seen Polua in the Prison only once, week before last, two Sabbaths ago; went with Dr. Hyde. Conversing with him in Hawaiian about five minutes. Did not ask him about the particulars of the crime. But spoke to him of the necessity of punishment for the crime, which he admitted. Spoke to him about repentance, and of personal trust in God and Jesus Christ as his Redeemer. He seemed remarkably self possessed. He seemed to realize fully his situation. There was nothing about him to lead me to think him insane. He seemed to have no harsh feelings toward any one; seemed really penitent. Had religious books. Offered no justification. Seemed to be preparing himself for his coming fate. I signed the petition because I was informed that new evidence had been found, and that the circumstances might extenuate; I know of no such circumstances.

It was mentioned to me at the time, (the night before the time appointed for execution) that he had been so ill-treated by the woman and her paramour; having been tied hand and foot and placed under the bed, while they paraded their conduct before him; and he had been driven to desperation. At the time of signing the petition I understood she was his wife.

Cecil Brown, Lawyer. Was present at the trial of Polua, at Waimea, Hawaii, last November; he appeared perfectly sane. He pleaded guilty, but the Court would not allow the plea to be entered. During the trial he appeared perfectly sane. Kalua and Nawahi were assigned to defend him. Nawahi, in my opinion, is the best Hawaiian lawyer at the bar. Kalua was not intoxicated during the trial; Nawahi never drinks. The Court never allowed a drunken person in Court. From the evidence adduced I think no foreign counsel could have done better. He was not a person to be prosecuted. I have no circumstances since the trial, which would tend to mitigate the offense. Have heard he was a very jealous man, so the natives of Hamakua told me. From the nature of the crime and the evidence, I believe he was fully aware of what he was doing when he committed the crime. Kalua made a very vehement address to the Jury, but he had no evidence. F. Spencer was the clerk of the Court. He made no statements, and made no offer of any to the Court. Three or four days (or a week) passed between taking the plea and going to trial. Ashford Spencer was also about the Court. Both he and F. Spencer had every opportunity to offer evidence. There was an unusually large number of persons from Kau at that term of Court. I have attended that circuit for five years in succession. The term lasted more than two weeks.

John L. Rees: I signed the petition. I know of no facts in mitigation of this offense. Do not think he could have been in a good frame of mind at the time. Anyone with the love of man for woman, is sometimes very strong, so also is jealousy. Think this man was very much provoked.

Elama: Am 36 years old. Have not seen Polua. I think Polua was crazy when he committed the crime. Among Hawaiians love and jealousy is strong, and if the woman leaves them they commit suicide. When the love is strong they do this. When made those circumstances they commit homicide, it is a sign of temporary insanity. Hanging about a woman, and for persons who commit murder with malice aforethought, not in passion.

Kamio: Polua was a good man, and when his property in her was interfered with he was overpowered, and he was carried away with anger. He looks like a good man. In the case of a Spaniard on this island who committed a murder, he was not hung, but only imprisoned. This Polua case was like Sam's case at Waikiki, who killed his wife then killed himself. I signed the petition because he was asked to, and because of aloha.

Mikaele: I signed the petition. I believed that Polua committed the crime he is ignorant and blind. Do not know Polua, never saw him. Have read the newspaper account of the murder. Know of no new circumstances. Do not know whether she was Polua's wife or not. The sentence of the Court was just, but I have pity for the man.

W. J. Wright: Do not know Polua. I signed the petition; read the petition. I think he was of unsound mind when he committed the deed. His draping a room, sprinkling perfume and cutting his finger made me think he was insane. I heard that he sharpened the knife and cut his finger to try if it was sharp, then went and killed the woman.

Pancee: Do not know Polua; know nothing about the matter. I signed the paper from sentiments of aloha. Many Hawaiians are dying, and I wish his life spared.

Kaona: I signed the petition because many are now dying, and no more deaths should be added. Know of no facts.

Baka: I signed the petition. I know nothing of the circumstances of Polua's offense. But signed that the sentence might be commuted.

Joseph Iainahole: I signed the petition from feelings of aloha for the man Polua. It is the same feeling I would have for any one who was sentenced to death. Now is a time of mourning, and I object to any one being hung.

Hanheo: I signed the petition. Do not know Polua. I think he must have been insane to do such a thing. Know nothing of the circumstances. Had great love for that woman, and from anger and jealousy killed her. The Committee then adjourned.

### THIRD DAY.

On Monday morning the Committee upon the case of Polua resumed their investigation.

Claude Jones: Stated that he had been present at the trial. Was well acquainted with the facts of the case as the man had desired him to act in his defense, but that when he found he could pay no retainer, he had declined to undertake so grave a responsibility without being remunerated for his trouble. He considered the man was feebly defended. No plea of insanity was raised. He looked at it from a professional point of view merely to see what grounds could be raised, and he considered that the plea of insanity was the only line to take. He had stated this to Mr. Frank Spencer. He reasoned that a man deficient in reasoning power, of strong passions, become abnormally excited at the desertion of his paramour and her intimacy with others; his wounded self-love produced insane jealousy, acting under which he prepared deliberately to commit the deed. Some questions were asked and answered as to what witness considered normal and abnormal excitement. He then continued that he did not consider this a case of *furor brevis* or sudden provocation. These points he would have urged had he conducted the defense. He considered the man of weak intellect on account of answers which he made about his family and friends. The evidence which made him think the man was insane came out in trial, but if he had been in the position of Judge, it would not have made him alter his sentence. Had the man been married he would have viewed the case from a different standpoint. When asked if any Courts of pardon had exercised their pardoning power upon the grounds which he advanced, he said that during a course of 40 years experience he never had known them to do so, but at the same time pardons were frequently granted without any reason being published. Mr. Gibson inquired what effect suicide would have upon his idea of the man's sanity, and asked if in insurance cases it had not been ruled that men were insane who committed suicide. It was stated that there had been no such ruling. After some further remarks upon suicide the witness retired.

Marshall Parke stated he had been present at the trial, and that Mr. Kalua, who defended Polua, was perfectly sober, a statement which he repeated several times. Kalua had been intoxicated a week before. He worked hard to obtain a verdict of manslaughter. He considered a Hawaiian counsel would be better with a Hawaiian Jury than a foreigner.

A. Carter: Had been employed at Kapapala; the murder took place on the night he left. Knew the man well, was acquainted with his domestic troubles. There was nothing out of the way about the man; he was not over intelligent, but he was not *fofo*; he was very willing, but lacked judgment when intrusted with work by himself. He came to the plantation with a reputation for bad temper, but during 9 months experience with him he had never shown it. When the woman left him, Polua came to witness to complain that she had an improper intimacy with a teamster, and asked him if he could not get her back. Witness hunted the woman up; she complained that Polua ill used her; he had knocked out two of her front teeth; Polua himself had driven her away; this witness had himself heard. The plantation hands were very crowded at the time, and there was a difficulty in keeping the California hands from visiting the native quarters. In reply to Mr. Gibson, there were 200 men and 8 women on the plantation. The woman stated she was going to marry the teamster; she declined to marry Polua. On the day he left the plantation he saw Polua at work on the trash grounds; he appeared as usual, but asked witness why he did not use his authority to get the woman back for him. The woman had been absent a week, and had frequently made the same request. He worked harder and better than usual under the idea that witness would do something for him. On the morning of the murder he had asked to be excused from work on account of the *seahine*, but was refused and went to his work as usual. When in Honolulu, he had at Polua's request, tried to visit him in jail, but was unable to keep his appointment. He met Mr. Fyfe, who told him the man was crazy. The man was a little different after the woman left, but was not *fofo*. He was not jeered at by his neighbors or the gang workmen. He was healthy. Never saw him under the influence of liquor.

Jamieson: Was carpenter on the plantation. Knew Polua. Thought him insane. Saw him a few hours before the deed; asked him about the woman and advised him to leave and go to Puna. Polua said he was done with her; he was not right in his head; he had not eaten or slept for three days. Polua had done no work for three days; had been in his best clothes; he had done no work at all that day; the general impression about the plantation was that the man had done no work. He was witness' helper. He had heard that Polua spent much money on the woman. He was the first man down at the scene of the murder; did not see how he cut his throat, but Polua told him after that he had saved it by taking the knife in both hands. Polua was able to talk in native rationally. There was a cross of black stuff on the window; the man's eyes were black with a veil. Had heard of no fresh circumstances.

D. K. Fyfe stated that he had only jokingly remarked to Carter that the man was crazy; he had spoken on Saturday last. He had no reason to think the man insane.

The Chief Justice then remarked that there was no obligation for any one to come, the Committee had been appointed by the Sovereign to enquire into the case, and all that was wanted was that people should come forward and state what facts they knew. The expression "cited" which was used in the circular issued by the Committee meant "called."

As the Committee were on the point of retiring, Dr. Webb came and stated as follows: He considered that Polua was insane at the time of the murder. When he visited him in prison this morning, he found he had heart disease, from which he had been suffering before he committed the murder. His pulse was high and fluctuating. When he commenced talking it was 105, in 30 minutes it was 130, and in 30 minutes more it was 122. As proof of his insanity at the time, he argued that the man had been three days without food and two nights without sleep; that during the third day he had drunk a bottle of *okoleha*. That before killing the woman he had tried the knife on his own hands, and that the wounds gave him no pain; this was just the condition of many insane patients of whom the doctor had had charge; cited the case of a woman who bit a piece out of her arm and felt no pain, she had had pins stuck her back without feeling them. This led him to think the man was insane, but that the moment he had cut his throat, the blood letting brought him to his senses, and he understood his responsibilities. He considered the state of the man's heart a very strong point. A man with heart disease would be more liable to be affected by liquor than a well man. The Committee then adjourned.

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## Pinafore.

In view of the approaching performance of Pinafore, it may be of interest to those not acquainted with what little there is of plot in this charming operetta, to know on what a slim thread so much popularity has been woven, and the characters therein as arranged for our Company of novices.

Her British Majesty's good ship *Pinafore*, being at anchor off Portsmouth, the Right Honorable Sir Joseph Porter, K. C. B., First Lord of the Admiralty, makes a tour of inspection, visits the aforesaid ship accompanied by the crowd of sisters, cousins and aunts, who attend him wherever he goes, and having made the peculiar and rather startling assertion that a British sailor is any one's equal, excepting his, he invokes the Captain to an interview on the subject of his attachment for Miss Josephine, the Captain's daughter; and while they are discussing the matter, Ralph, a common sailor having long loved the Captain's daughter—a fact well known to all his messmates—decides to tell the fair creature of the honest love he has for her, and having made his avowal and been rejected, considers life under the circumstances not worth having and calls his comrades and warns them not to love in a rank above them, draws a pistol and proceeds to finish his career in a very summary manner; when Miss Josephine, having watched the proceedings from her cabin, rushes forth, stays his hand, and acknowledges her love for him. Upon said statement having become fairly fixed in his mind, he embraces the fair one, receives the congratulations of all present, and decides to steel ashore at half past ten and meet a clergyman, who will make them one. Deadeye, the *belle noir* of the crew, then steps in to stop theelopement, reproaches the low born tar with his unfitness for a match with the Captain's daughter, who is a lady, while he is the "vilest slave that sails the water."

In spite of this, all present resolve the programme shall be carried out, and cry, "back, vermin, back, you shock us," and Deadeye beats a forced retreat, while the dance and congratulations continue till the fall of the curtain on *act one*.

The second act opens with a beautiful serenade by the Captain gazing at the moon and accompanying himself on the guitar. At the close of his song he discovers Little Buttercup (a buxom woman) still on board, having been supplying the sailors with small articles of clothing, sweetmeats, etc. A duett with words of mysterious import follows in which a change is prophesied for the Captain. Little Buttercup now withdraws at the approach of Sir Joseph, who has been unsuccessful in his suit with Josephine, and expresses his surprise thereat, but is urged to try again and to state officially to her troubles, which consist mainly of deciding whether she shall continue in the luxury to which she has been accustomed by marrying the Admiral, or to marry for love with the sailor, taking thereby the consequent miserable life in some back street, where housewives yell, children cry and dinners are served in a pudding basin. She calls upon the god of love and god of reason to decide which of the twin she shall choose. The Admiral and Captain now come forward with assurances that love levels all ranks and that the difference in station should not prevent acceptance of his lordship's suit. The sailor and father withdraw to arrange preliminaries when Deadeye approaches the Captain, informs him of the proposed elopement of his daughter with Ralph, which the Captain endeavors to prevent by arming himself with a cat-o'-nine-tails. He wraps a boat cloak about him, and awaits the elopers approach, which being nearly accomplished, is frustrated by the demand of the Captain as to where his daughter may be going; and in his great indignation at the persistence of Ralph, swears a "big, big D," which, being overheard by the Admiral, brings him on the scene in all the wrath of his offended dignity. He orders the Captain to seclusion, and demands of Ralph the cause of all this disturbance. The tar no sooner replies that Josephine is the "figure head of his ship of life, the bright beacon that guides him into his port of happiness" than the Admiral, whose anger knows no bound, enquires for a dungeon and chains for Ralph, who leaves the scene between two marines. Buttercup at this juncture discloses the fact that many years ago when she was young and charming, she was a baby farmer, had two tender babes to nurse—one of upper crust the other of low condition, and that they were "mixed up." The babes afterward became Captain Corcoran and Ralph, but that in reality the Captain was the low born child and Ralph the other.

This statement so surprises the Admiral that both culprits are ordered to be brought in, the Captain appearing as a common sailor and Ralph in officers uniform. In view of all the circumstances, the Admiral joins Ralph and Josephine, overcomes the Captain and Buttercup, while cousin Hele takes the Admiral to soothe and comfort his declining years; the operetta closing with a fine chorus of all the voices.

The cast is as follows:  
JOSEPHINE.....MISS FLORENCE LUCE.  
LITTLE BUTTERCUP.....MISS F. A. HARDEN.  
COUSIN HELE.....MISS BERNICE PARKER.  
SIR JOSEPH PORTER K. C. B.....MR. T. R. WALKER.  
CAPT. CORCORAN.....MR. F. M. SWANEY.  
RALPH.....MR. J. A. HARDEN.  
DEADEYE.....MR. E. W. HOLDSWORTH.  
BOATSWAIN.....MR. A. T. ATKINSON.  
BOATSWAIN MATE.....MR. J. G. TUCKER.  
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